



Means To Demonstrate U.S. Foreign Ownership and Control of a Qualified Health Information Network (QHIN) Standard Operating Procedure (SOP) Questionnaire

Question #1 — Are any individuals or entities with a Direct or Indirect Ownership Interest of 5% or greater in the Applicant any of the following:

- a. Listed on the United States Department of the Treasury, Office of Foreign Assets Control (OFAC) list of “Specially Designated Nationals” or “SDNs.” The SDN list is a list of individuals and companies owned or controlled by, or acting for or on behalf of, countries that OFAC has identified as a threat, as well as individuals, groups and entities, such as terrorists and narcotics traffickers, designated under programs that are not country-specific. OFAC keeps this list current, and it is publicly available at <https://home.treasury.gov/policy-issues/financial-sanctions/specially-designated-nationals-and-blocked-persons-list-sdn-human-readable-lists>; or
- b. A citizen or legal resident of a country listed on the OFAC Sanctions Program and Country Information page that is available at <https://home.treasury.gov/policy-issues/financial-sanctions/sanctions-programs-and-country-information>; or
- c. Listed on the Department of Health and Human Services, Office of Inspector General’s List of Excluded Individuals. OIG keeps this list current, and it is publicly available at https://oig.hhs.gov/exclusions/exclusions_list.asp

[Note that if the answer to Question 1 is yes, the Applicant is automatically disqualified.]

Question #2 — Are any of the Applicant’s directors, officers, or executives any of the following:

- a. Listed on the United States Department of the Treasury, Office of Foreign Assets Control (OFAC) list of “Specially Designated Nationals” or “SDNs.” The SDN list is a list of individuals and companies owned or controlled by, or acting for or on behalf of, countries that OFAC has identified as a threat, as

well as individuals, groups and entities, such as terrorists and narcotics traffickers, designated under programs that are not country-specific. OFAC keeps this list current, and it is publicly available at <https://home.treasury.gov/policy-issues/financial-sanctions/specially-designated-nationals-and-blocked-persons-list-sdn-human-readable-lists>; or

- b. A citizen or legal resident of a country listed on the OFAC Sanctions Program and Country Information page that is available at <https://home.treasury.gov/policy-issues/financial-sanctions/sanctions-programs-and-country-information>; or
- c. Listed on the Department of Health and Human Services, Office of Inspector General's List of Excluded Individuals. OIG keeps this list current, and it is publicly available at https://oig.hhs.gov/exclusions/exclusions_list.asp

[Note that if the answer to Question 2 is yes, the Applicant is automatically disqualified.]

Question #3 —

- a. Does any Non-U.S. Person have a Direct or Indirect Ownership Interest of 20% or greater in the Applicant?
- b. Does any Non-U.S. Entity have a Direct or Indirect Ownership Interest of 20% or greater in the Applicant?
- c. Does any combination of Non-U.S. Person(s) or Non-U.S. Entity(ies) have an aggregate Direct or Indirect Ownership Interest of 20% or greater in the Applicant?
- d. Does any combination of Non-U.S. Person(s)s or Non-U.S. Entity(ies) have an aggregate Direct or Indirect Ownership Interest of 50% or greater in the Applicant?

[If any answer is "yes," please provide the identity of the Non-U.S. Person(s) or Non-U.S. Entity(ies), their respective percentage of Direct or Indirect Ownership, and the country of citizenship for a Non-U.S. Person or country in which the Non-U.S. Entity is organized. If the Applicant is an Entity whose securities are publicly traded on a stock exchange that is regulated by the United States Securities and Exchange Commission, then Applicant needs only provide information on those Non-U.S. Person(s) or Non-U.S. Entity(ies) that hold more than 20% of the Applicant's securities and have any of the rights set forth in Section 4.3 of the Means To Determine U.S. Ownership and Control of a QHIN SOP. Responses to this question will be evaluated to determine whether the Ownership by a Non-U.S. Person(s) or Non-U.S. Entity(ies)

results in automatic disqualification or further evaluation pursuant to the Means To Demonstrate U.S. Foreign Ownership and Control of a QHIN SOP.]

Question #4 — Where is the Applicant’s principal place of business?

[If the principal place of business is not in the United States, the Applicant is automatically disqualified.]

Question #5 — Do any Non-U.S. Person(s) serve as members of the Applicant’s board of directors (or similar governing body), Designated Network Governance Body, officers, executive personnel, general partners, regents, trustees, or senior management officials? If yes, please explain.

[Note that a “yes” answer would result in further evaluation pursuant to the Means To Demonstrate U.S. Foreign Ownership and Control of a QHIN SOP. For purposes of responding to this question, Applicants need not disclose any Non-U.S. Person(s) who is (are) representatives of Participants, Subparticipants, or Downstream Subparticipants.]

Question #6 — Does any Non-U.S. Person(s) or Non-U.S. Entity(ies) have the power, direct or indirect, to control the election, appointment, or tenure of members of the Applicant’s board of directors (or similar governing body), Designated Network Governance Body (as defined in the QHIN Onboarding and Designation SOP) or other management positions of the Applicant? If yes, please explain.

[Note that a “yes” answer would result in further evaluation pursuant to the Means To Demonstrate U.S. Foreign Ownership and Control of a QHIN SOP. For purposes of responding to this question, Applicants need not disclose Participants, Subparticipants, or Downstream Subparticipants that are owned by Non-U.S. Person(s) or Non-U.S. Entity(ies) provided that all Participants, Subparticipants, and Downstream Subparticipants are U.S. Entities.]

Question #7 — Does any Non-U.S. Person(s) or Non-U.S. Entity(ies) have the power to determine, direct, take, reach, or cause decisions regarding (i) the sale, lease, mortgage, pledge, or other transfer of any of the tangible or intangible principal assets of the Applicant, whether or not in the ordinary course of business; (ii) the reorganization, merger, or dissolution of the Applicant; (iii) entry into, termination, or non-fulfillment by the entity of significant contracts related to Applicant’s ability to function as a QHIN; (iv) appointment or dismissal of employees with access to critical technology related to the Connectivity Services; or (v) any other material decisions or activities of the Applicant related to the Applicant’s ability to function as a QHIN?

[Note that a “yes” answer would result in further evaluation pursuant to the Means To Demonstrate U.S. Foreign Ownership and Control of a QHIN SOP. For purposes of responding to

this question, Applicants need not disclose Participants, Subparticipants, or Downstream Subparticipants that are owned by Non-U.S. Person(s) or Non-U.S. Entity(ies) provided that all Participants, Subparticipants, and Downstream Subparticipants are U.S. Entities.]

Question #8 — Does the Applicant have any contracts, agreements, arrangements or other legally binding obligations with a Non-U.S. Entity(ies) that materially affects (directly or indirectly) the Applicant’s ability to function as a QHIN? If yes, please explain.

[Note that a “yes” answer would result in further evaluation pursuant to the Means To Demonstrate U.S. Foreign Ownership and Control of a QHIN SOP. For purposes of responding to this question, Applicants need not disclose Participants, Subparticipants, or Downstream Subparticipants that are owned by Non-U.S. Person(s) or Non-U.S. Entity(ies) provided that all Participants, Subparticipants, and Downstream Subparticipants are U.S. Entities.]

Question #9 — Does the Applicant, whether as borrower, surety, guarantor or otherwise have any indebtedness, liabilities, or obligations to a Non-U.S. Person or Non-U.S. Entity that exceed 5% of the Applicant’s total assets? If yes, please explain.

[Note that a “yes” answer would result in further evaluation pursuant to the Means To Demonstrate U.S. Foreign Ownership and Control of a QHIN SOP.]

Question #10 — Is there any other factor(s) that indicates or demonstrates a capability on the part of a Non-U.S. Entity to control or influence the Applicant’s ability to function as a QHIN? If yes:

- Describe the foreign involvement in detail, including why the involvement would not be reportable in the preceding questions.

[Note that a “yes” answer would result in further evaluation pursuant to the Means To Demonstrate U.S. Foreign Ownership and Control of a QHIN SOP.]